

GUM

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

v.

Francisco JIMENEZ

Defendant.

Magistrate Case No. _____

COMPLAINT FOR VIOLATION OF:Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

The undersigned complainant being duly sworn states:

On or about May 20, 2008, within the Southern District of California, the defendants, Francisco JIMENEZ, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard that alien, namely Martin MAGANA-Mendoza, Rosa Erika VALENCIA-Martinez and Marisol NAVA-Hernandez, had not received prior official authorization to come to, enter or reside in the United States, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Christopher Grunst, Special Agent
Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 21st day of May 2008.



Anthony J. Battaglia
Honorable United States Magistrate Judge

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that Martin MAGANA-Mendoza, Rosa Erika VALENCIA-Martinez, and Marisol NAVA-Hernandez are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 20, 2008, at approximately 0900 hours, US Border Patrol Agent (BPA) Luis Gutierrez was notified via radio by BPA Enrique Pernago that a vehicle driven by a heavy set Hispanic male was heading in Gutierrez's direction. BPA Gutierrez observed a white Chevrolet van CAUS/8K62357 with the driver as its' sole occupant, take Interstate 8 to the 79 South onto Japatul Road. The vehicle then turned onto Lyons Valley Road onto Spirit Trail while BPA Gutierrez continued on Japatul Road. Lyons Valley Road is an area known to Border Patrol Agents as an alien smuggling load area. Approximately 10 minutes later, BPA Gutierrez observed the same white Chevrolet van return from Spirit Trail Road. BPA Gutierrez began to follow the vehicle in his unmarked vehicle when he noticed that the van now contained a passenger who was sticking his head out of the window towards BPA Gutierrez. BPA Gutierrez also noticed that the van was now riding considerably lower. BPA Gutierrez radioed the El Cajon Border Patrol Station to have a marked vehicle respond. US Border Patrol Agent William Neimeyer responded and positioned himself on East Willows Road. At approximately 0930, BPA Neimeyer identified the vehicle and activated his emergency lights and stopped the white van near Willows Road. BPA Gutierrez and BPA Neimeyer approached the van at which time the passenger appeared to be attempting to leave. BPA Gutierrez addressed the occupants to stay in the vehicle and everyone complied. While approaching the driver's side of the van BPA Gutierrez observed the driver with his hands up and complied to BPA Gutierrez's request to hand over the keys to the vehicle. BPA Neimeyer took the passenger out of the van and separated him from the driver. BPA Gutierrez identified 16 bodies lying on top of each other in the back of the van. Each of the 16 individuals in the back of the van stated to BPA Gutierrez that they were citizens and nationals of Mexico. The driver was later identified as Francisco JIMENEZ.

MATERIAL WITNESS STATEMENT: Martin MAGANA-Mendoza

On May 20, 2008, in a videotaped interview Martin MAGANA-Mendoza provided ICE Agents Angie Salazar and Tom Miller the following statement.

MAGANA-Martinez stated that he was born in Michoacán, Mexico, and that he does not have a legal right to enter or be in the United States. MAGANA stated that he and his wife traveled to

Tijuana with the intent to enter the United States illegally. MAGANA stated that he made the smuggling arrangement for he and his wife, that he met an individual at the airport who offered his smuggling services and provided a telephone number where to call the smuggler known as "Manuel" LNU. MAGANA stated that he called the telephone number and was provided instructions to go to a Hotel in Tijuana and wait to be picked up, that the fee to be smuggled was \$2200.00 each. MAGANA stated that he had two visits at the hotel by two different male

individuals whom each stated that "Manuel" had sent them. MAGANA stated that on Monday, May 19, 2008 he was instructed by the second individual to go to Tecate via bus with his wife.

MAGANA-Mendoza stated that once in Tecate, both male individuals who had visited him at the hotel were waiting for them. MAGANA-Mendoza stated that there were also other people in the hotel waiting to be smuggled. MAGANA-Mendoza stated that the two males drove the group in a van for about ten minutes until they arrived at an area where there was a water deposit. MAGANA-Mendoza stated that the two males guided the group who walked for about 27 hours until they arrived at a road. One of the guides placed a telephone call and shortly after the van showed up, the guide waved down the driver and the entire group was loaded into the van.

MAGANA-Mendoza stated that they drove for a short while until they were apprehended by immigration. MAGANA-Mendoza was presented with photographs numbered 1 through 18, all the individuals who were apprehended in the group. MAGANA-Mendoza identified photograph numbered 5 as the driver of the van that he was picked up by. Photograph number 5 corresponds to Francisco JIMENEZ.

MATERIAL WITNESS: Rosa Erika VALENCIA-Martinez

On May 20, 2008, in a videotaped interview Rosa Erika VALENCIA-Martinez provided ICE Special Agents Angie Salazar and Tom Miller the following statement:

VALENCIA-Martinez stated that she is a citizen and national of Mexico and that she has no legal right to be in or remain in the United States. VALENCIA-Martinez stated that she was traveling with her husband and that he made the smuggling arrangements for the both of them.

VALENCIA-Martinez stated that they were guided into the United States who led them for about 27 hours until they arrived at a road where a white van picked them up. VALENCIA-MARTINEZ was presented with photographs numbered 1 through 18 and she identified photograph number 5 as the driver of the white van that picked them up. Photograph number 5 corresponds to Francisco JIMENEZ.

MATERIAL WITNESS: Marisol NAVA-Hernandez

On May 20, 2008, in a videotaped interview Marisol NAVA-Hernandez provided ICE Special Agents Angie Salazar and Tom Miller the following statement:

NAVA-Hernandez stated that she is a citizen and national of Mexico, and that she has no legal right to be in or remain in the United States.

NAVA-Hernandez stated that a friend assisted her in making the smuggling arrangements, and that her friend was going to pay the smuggling fee when NAVA-Hernandez was delivered. NAVA-Hernandez stated that she entered the United States by walking approximately 27 hours until arriving at a road where a white truck arrived to pick them up. NAVA-Hernandez stated that a short time later they were apprehended by immigration. NAVA-Hernandez was presented with photographs numbered 1 through 18; NAVA-Hernandez was unable to identify anyone.

Francisco JIMENEZ is being held for prosecution under 8 USC 1324 and 18 USC 2. MAGANA-Mendoza, VALENCIA-Martinez and NAVA-Hernandez are being held as material witness against Francisco JIMENEZ pursuant to 18 USC 3144.